



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
www.mcminnvilleoregon.gov

STAFF REPORT

DATE: April 18, 2019
TO: Planning Commission Members
FROM: Jamie Fleckenstein, Associate Planner
SUBJECT: PUBLIC HEARING: PDA 3- 18 and PDA 4-18 (Planned Development Amendments), and S 3-18 (Tentative Subdivision Plan) for Oak Ridge Meadows Development

STRATEGIC PRIORITY & GOAL:

 GROWTH & DEVELOPMENT CHARACTER Guide growth & development strategically, responsibly & responsibly to enhance our unique character.	 HOUSING OPPORTUNITIES <small>(ACROSS THE INCOME SPECTRUM)</small> Create diverse housing opportunities that support great neighborhoods.
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Report in Brief:

This is a combined quasi-judicial hearing to consider three separate and distinct land-use applications for the Oak Ridge meadows housing development, but take all public testimony on these three applications during the combined public hearing. Premier Development, LLC, is requesting to amend two existing Planned Development Overlay Districts: 1) Oak Ridge – adopted in February, 2000 by Ordinance No. 4722; and 2) Oak Ridge Meadows – adopted in April, 2005 by Ordinance No. 4822, and the approval of a tentative subdivision plan.

Although all land-use applications support one housing development, they each need to be treated as individual land-use decisions and are governed by different regulations and criteria.

The order of consideration and approval should be:

- PDA 3-18, Oak Ridge Planned Development Amendment (Ordinance No. 4722).
- PDA 4-18, Oak Ridge Meadows Planned Development Amendment (Ordinance No. 4822).
- S 3-18, Tentative Subdivision Plan for Oak Ridge Meadows Planned Development Amendment

Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 3-18

Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of PDA 4-18

Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18

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Planning Commission is making a recommendation to the City Council for the two Planned Development Amendments (PDA 3-18 and PDA 4-18) and is making a decision on upon the tentative subdivision plan (S 3-18). If the tentative subdivision plan is approved it will be contingent upon the City Council’s approval of the two planned development amendments.

PDA 3-18 considers the removal of the 11.47 acres of undeveloped land from the Oak Ridge Planned Development (Ordinance No. 4722), Tax Lot R44170300.

PDA 4-18 considers the addition of the 11.47 acres of undeveloped land removed from the Oak Ridge Planned Development to the current 24 acre Oak Ridge Meadows Planned Development (Ordinance No. 4822), Tax Lot R440700602, for a total of 35.47 acres, and the following amendments to the approved design and development standards of the Oak Ridge Meadows Planned Development.

- That the average lot size shall be amended from 7,500 square feet to approximately 7,770 square feet.
- That the setbacks be amended from:

Setbacks	Current	Proposed
Front Yard	20 feet	20 feet
Side Yard	Lots less than 6,000 square feet in area - 6 feet. All other lots – 7.5 feet.	5 feet
Exterior Side Yard	15 – 20 feet	10 feet
Rear Yard	20 feet	20 feet
Open Side of Garage	20 feet	20 feet

- That side lot lines that do not run at right angles to the street upon which the lots face shall be allowed where necessary to respond to physical conditions of the site.
- That the maximum block length be amended to 2,305 feet, with a maximum distance of 800 feet between pedestrian ways.
- That a lot depth to width ratio exceed the recommended two (2) to one (1) ratio shall be allowed where necessary to respond to physical conditions of the site, not to exceed 2.75:1.
- That a minimum .85 acre private active neighborhood park be provided and improved.
- That a minimum 5.6 acre public open space greenway be dedicated and improved.

The original planned development approval didn’t include public open space amenities. The proposed amendments add provisions that a subdivision within the PD overlay would provide public open space and greenway amenities consistent with the specified parameters.

S 3-18 considers the approval of a tentative subdivision plan for 108 lots on the 35.47 acres in the amended Oak Ridge Meadows Planned Development Overlay District if PDA 3-18 and PDA 4-18 are approved.

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- Attachment C: Decision, Findings of Fact and Conclusionary Findings for the Approval of S 3-18*
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See Figure 1 for a map showing the respective application boundaries.

Background:

The subject site being considered for the amended Oak Ridge Meadows PD and new 108-lot subdivision tentative plan consists of a total of 35.47 acres, including the 11.47 acres of undeveloped land in the Oak Ridge Planned Development (Ordinance No. 4722) and the current 24.0 acres of undeveloped land in the Oak Ridge Meadows Planned Development (Ordinance No. 4822). The subject site is identified as Residential on the McMinnville Comprehensive Plan Map and is currently zoned R-2 PD (Single-Family Residential, Planned Development). The site is generally located north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek, and is currently undeveloped. **See Figure 1.**

The Oak Ridge Planned Development was approved in February, 2000. A tentative subdivision plan (S 6-99) of 107 residential lots with an average minimum lot size requirement of 7,000 square feet, was approved by the McMinnville Planning Commission as a three phase plan for the Oak Ridge Planned Development Overlay District. The original subdivision plan was eventually amended to reallocate the 107 lots from three phases into four phases. The first three phases of the residential subdivision were developed, totaling 82 lots averaging 7,387 square feet in size. The fourth phase (with 25 lots) was left undeveloped due to the onset of the Great Recession in 2007, leaving 11.47 acres unplatted and undeveloped.

The Oak Ridge Meadows Planned Development Overlay District was approved in April, 2005, and due to the Great Recession in 2007 development did not move forward.

Currently both planned development overlay districts are active, zoned R2-PD, and Premier Development LLC could submit two separate tentative subdivision plans that satisfy the covenants of each individual planned development and develop the acreage accordingly. However, they felt that it would be more appropriate to masterplan the remaining land as part of one larger planned development due to their adjacencies and opportunities for improved connectivity and open space planning.

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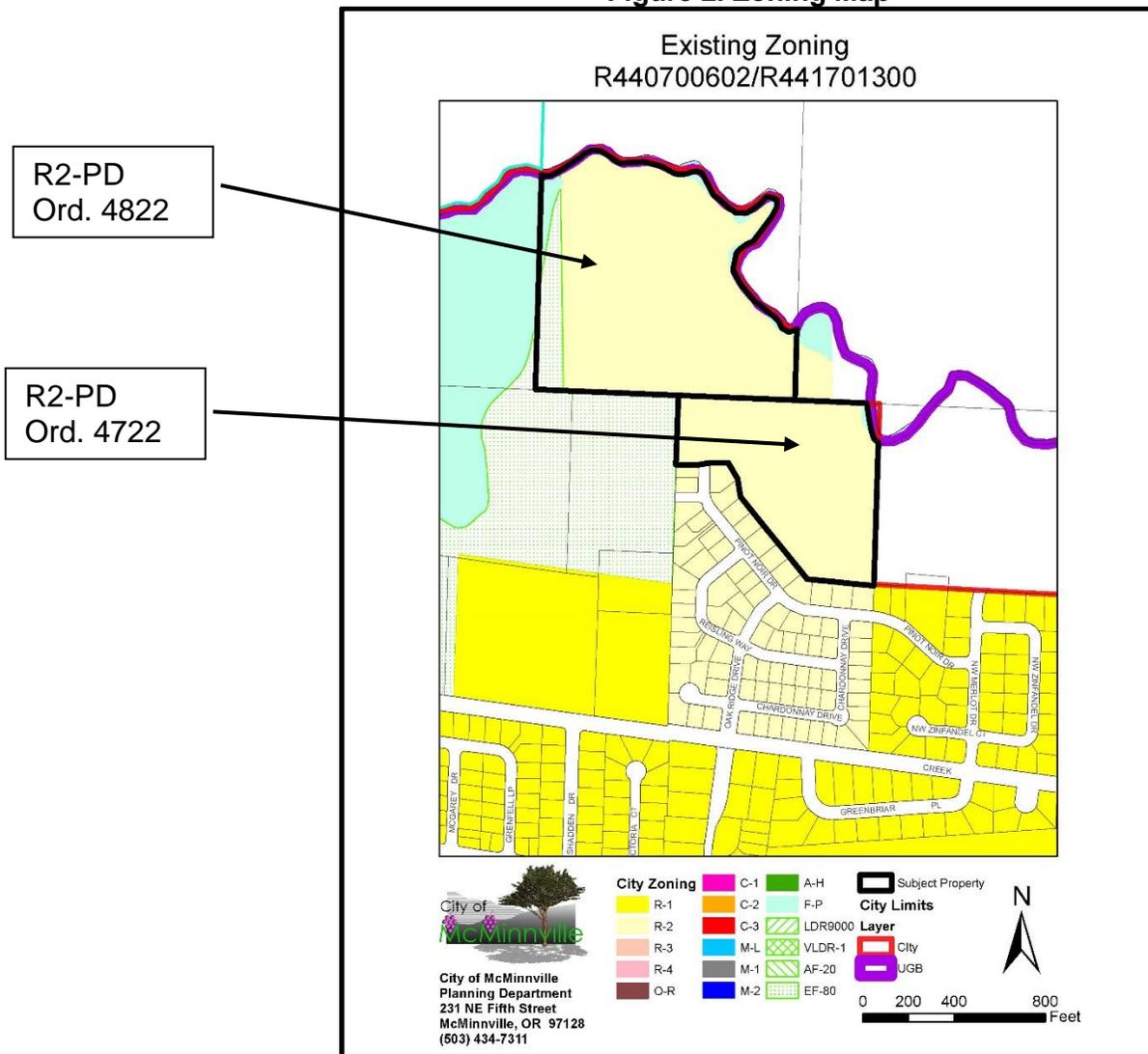
Figure 1. Subject site proposed for removal from Oak Ridge PD and addition to amended Oak Ridge Meadows PD



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Figure 2. Zoning Map

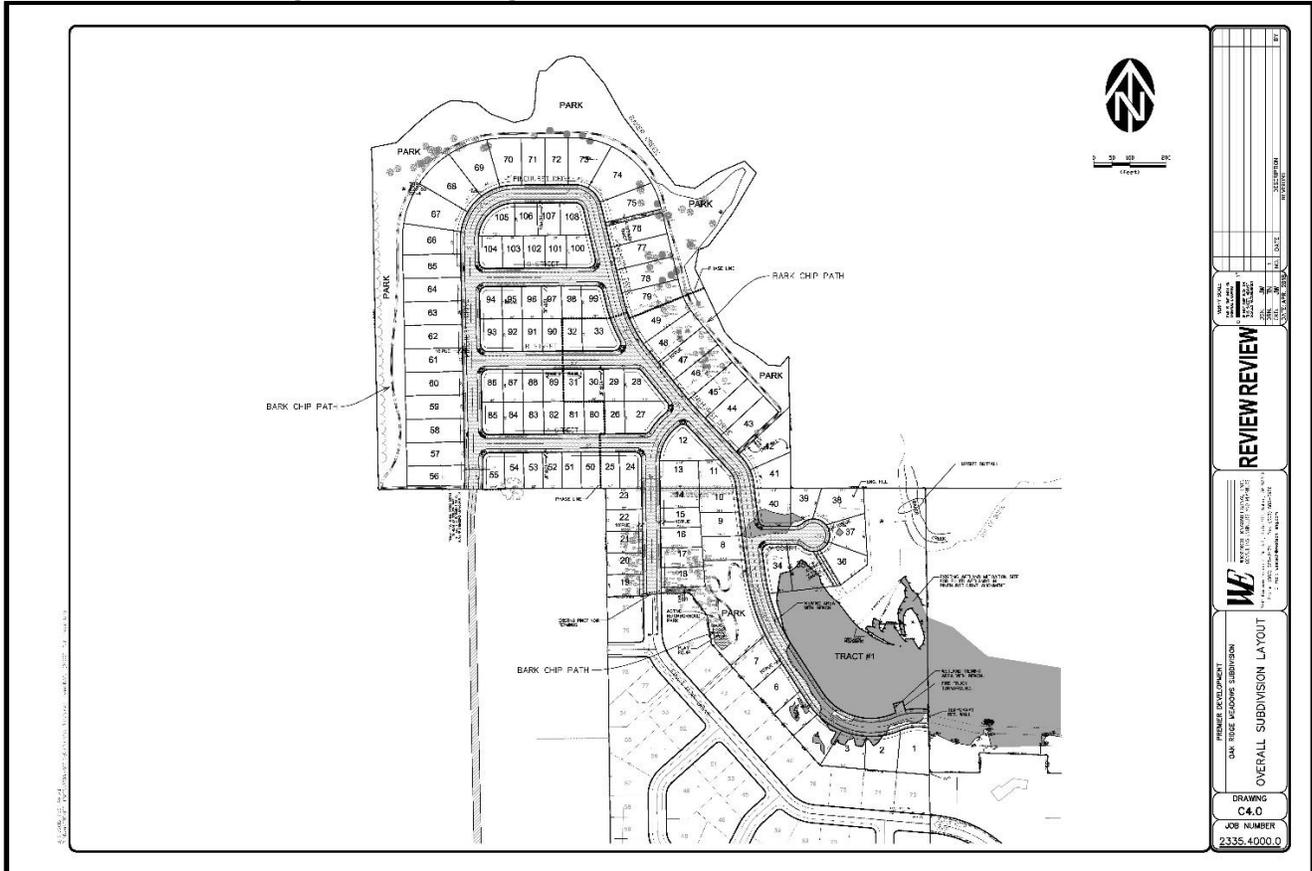


The applicant’s request is to combine the undeveloped 11.47 acres remaining in the Oak Ridge Planned Development Overlay District with the 24 acres in the Oak Ridge Meadows Planned Development Overlay District for a total site area of 35.47 acres for a subdivision of 108 lots of varying sizes to build a housing development with a dedicated, 5.6 acre public greenway and trail system along Baker Creek, and a private 0.85 acre park, overlooking a preserved wetland to be maintained by the homeowner’s association in a separate tract of land. The applicant is working with the Department of State Lands on updating the wetland delineation and developing a wetland mitigation plan to address disturbed areas necessary to accommodate the needed infrastructure to support the housing development. The applicant has also secured an arborist to identify and evaluate all of the mature trees on the site with the goal of preserving as many of them as possible balanced with the need to develop medium density housing. Figure 3 illustrates the Tentative Subdivision Plan to be considered, application S 3-18.

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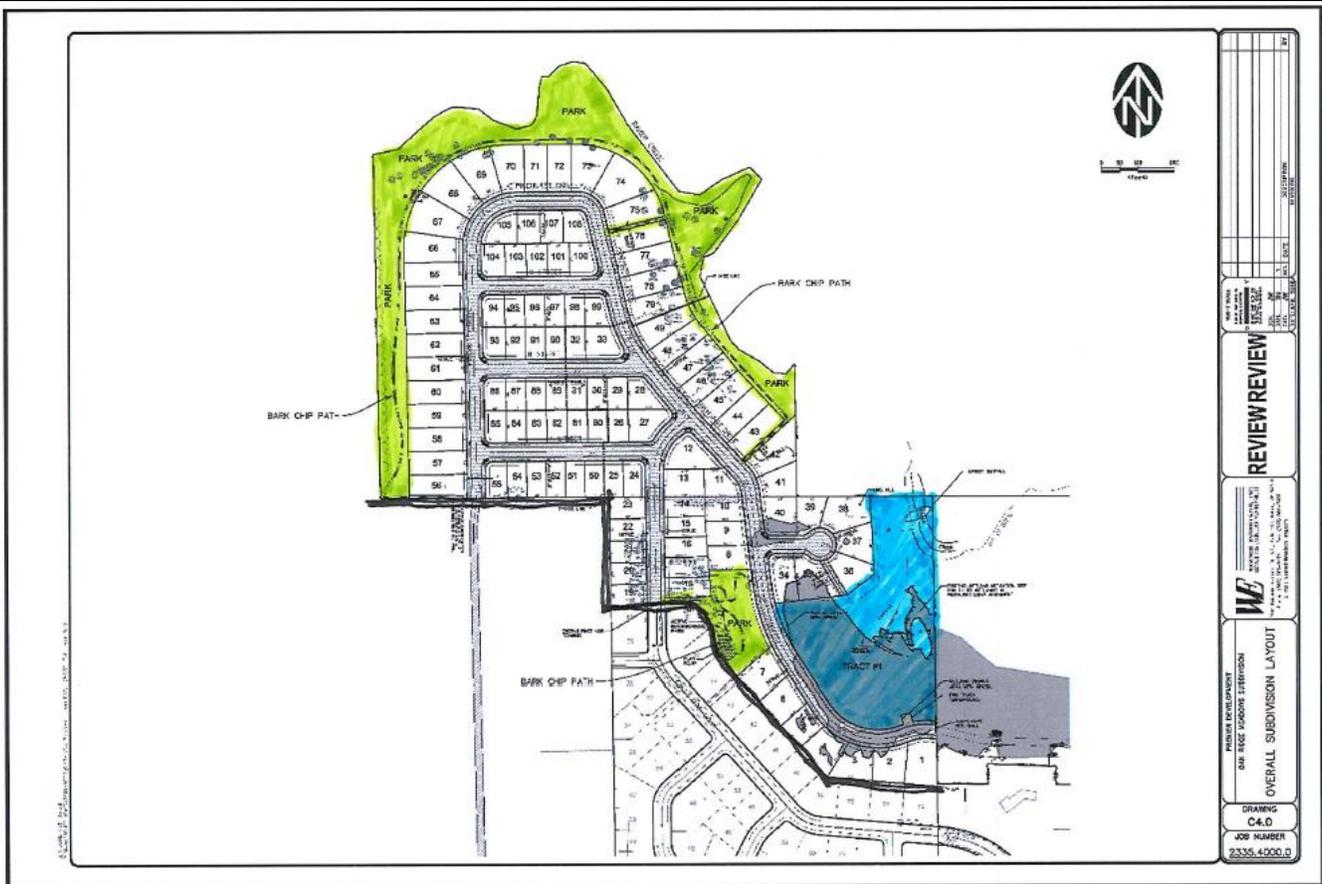
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Figure 3. Oak Ridge Meadows Tentative Subdivision Plan



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Note: Shading added by staff to identify proposed public and private open space (green) and proposed wetland tract (blue).

Discussion:

Decisions and/or recommendations for approval of all three land-use applications are dependent upon whether or not the application meets state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code. The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are three different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each application meets the applicable criteria and whether or not there are conditions of approval that if achieved put the application in compliance with the criteria.

A Planned Development Overlay District is a method of adopting a specialized zone for specific property that has refined design and development standards to allow for better development within the City of McMinnville than would normally occur with just strict interpretation of the Zoning Ordinance.

For subdivisions that are part of a Planned Development Overlay District they need to meet the criteria in the McMinnville Municipal Code, including compliance with the standards for subdivisions and the

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zoning district unless amended standards have been adopted as part of the Planned Development Overlay District.

Generally, the purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

The two Planned Development Amendment applications (PDA 3-18 and PDA 4-18) are subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard subdivision application against the zoning departures requested. It should be noted that the McMinnville Zoning Ordinance does not contain mechanisms to achieve many of the additional benefits possible through Planned Development outside of that process.

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The applicant has provided extensive narrative and findings to support the request for the Planned Development Amendments based on their proposed additional benefits to the community that would be provided through the amendment.

1. The addition of the area within the unplatted fourth phase of the Oak Ridge subdivision to the Oak Ridge Meadows Planned Development Overlay boundary will allow efficient use of open space, greater freedom in the development of the land, and allow for the preservation of significant natural features (wetlands) on the property. Additionally, a portion the property would be established as a private neighborhood park for the benefit of the community.
2. Requested lot size averaging would allow flexibility and variety in the development pattern of the community. A wider variety of lot sizes would increase the type of housing products and price points to be made available.
3. The request to modify setbacks would support the flexibility and variety in the development provided by varied lot sizes. A provision would allow for the adjustment of setbacks on a lot by lot basis to preserve significant trees.
4. A request to allow side lot lines at non-90 degree angles would allow flexibility to employ a creative design and development approach in response to unique geographic features of the subject site.
5. A request to allow lots with larger than standard depth to width ratio would allow preservation of natural features (significant trees and slopes) by allowing uniquely shaped lots in ecologically sensitive areas with buildable area away from sensitive natural features.
6. Allowing longer than standard block lengths would allow flexibility in the design and development of the land by letting the design respond to unique geographic features of the subject site.
7. Establishment of a private park in the development would encourage mixed use in the planned area and create a private common open space.
8. Dedication of a public greenway park would encourage mixed use in the planned area and create a public common open space.

Overall, the proposed planned development amendment would provide additional benefits to the community and the City as a whole that are above and beyond what would be provided through a traditional subdivision application and strict interpretation of the zoning ordinance. The proposal would provide greater flexibility and greater freedom of design in the development of land; encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces.

Below are some tables summarizing the applications compliance with critical criteria. The Decision Documents for each land-use application have the detailed analysis and findings for this compliance:

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PDA 3-18 (Planned Development Amendment, Ordinance No. 4722, Removal of 11.47 Acres)

Issue	Notes	Condition to Help Meet Criteria
Removes land from an existing PD to include in an adjacent PD for connectivity efficiency and open space planning.	Meets Comp Plan Policies and Code Criteria for Amendment. Oak Ridge Planned Development without planned Phase IV still meets the intent and covenants of the Comp Plan and the code.	Condition of Approval #1
What happens if the land is successfully removed from the Oak Ridge Planned Development but not successfully amended into the Oak Ridge Meadows Planned Development.	Land will be rezoned from R2-PD to R2, and future development will need to be compliant with the R2 zone.	Condition of Approval #2

PDA 4-18 (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Trade-Offs for Planned Development	Comp Plan, Volume 1, Chapter V, references the need for trade-offs that benefit the community in addition to a mixture of lot sizes and housing types.	<p>Condition of Approval #8 identifies the provision of a private active neighborhood park within the subdivision.</p> <p>Condition of Approval #9, identifies the dedication, construction and maintenance of a 5.6 acre greenway and trail system along Baker Creek.</p> <p>Condition of Approval #10 identifies the preservation of the majority of wetlands with viewing areas.</p>
Street Specifications	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on right angle intersections was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #5

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Lots Depth to Width Ratio	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on the lot depth to width ratio was requested. Request meets Comp Plan policies and City Code with Condition.	Condition of Approval #6
Block Length	Due to the unique characteristics of the site with Baker Creek and its associated floodplain bordering three sides of the site, a variance on block lengths was requested. Request meets Comp Plan policies and City Code with Condition of approval that requires a bicycle and pedestrian mid-block connection at least every 800 feet.	Condition of Approval #7
Provides Required Open Space	Meets Parks Master Plan and Comp Plan Policies with the construction and dedication of a 5.6 acre public greenway and trail system along Baker Creek, and a 0.85 acre private park, and preserved wetlands.	Condition of Approval #8 Condition of Approval #9 Condition of Approval #10
Wetland Delineation	Wetland Delineation was updated and needs to be approved by Department of State Lands prior to platting. This is a state regulation and approval process.	Condition of Approval #11

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PDA 4-18 Continued. (Planned Development Amendment, Ordinance No. 4822, Addition of 11.47 Acres plus design and development standard amendments)

Issue	Notes	Condition to Help Meet Criteria
Wetland Mitigation	Wetland Mitigation Plan will need to be submitted and approved by the Department of State Lands prior to any construction work impacting the wetland. This is a state regulation and approval process.	Condition of Approval #11
Tree Preservation	Trees 9” or greater in diameter will need to be inventoried and a plan identifying preservation and removal needs to be submitted for approval by the Planning Department prior to construction.	Condition of Approval #12 Condition of Approval #13
Traffic Impact	A new traffic impact analysis was conducted indicating that Pinot Noir could accommodate the amount of trips generated by 108 dwelling units prior to a second public access street was constructed for the development.	Condition of Approval #15 limits the amount of dwelling units that can be constructed to 108 dwelling units prior to the construction of a second public access street.

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S 3-18 (Tentative Subdivision Plan for Amended Planned Development Overlay District associated with the approval of PDA 4-18).

Issue	Notes	Condition to Help Meet Criteria
Size and Number of Lots	Meets Code and PD	
Street Specifications	Meets City Code	
Lots Depth to Width Ratio	Meets PD	
Block Length	Meets PD with Condition	Condition of Approval #10
Provides Required Open Space	Meets Parks Master Plan and PD with Condition	Condition of Approval #3 Condition of Approval #8 Condition of Approval #9 Condition of Approval #11
Wetland Delineation	Meets State Requirements and City Comp Plan Policies with Condition	Condition of Approval #22
Wetland Mitigation	Meets State Requirements and City Comp Plan Policies with Condition.	Condition of Approval #22 Condition of Approval #23
Tree Preservation	Meets City Code and PD.	
Traffic Impact	Meets City Code and PD.	Condition of Approval #12
Variety of Housing Types	Meets Comp Plan Policy and PD.	
Disposition of lots for public sale.	Meets Comp Plan Policy with condition.	Condition of Approval #7

In short, the proposals provide several advantages over a standard subdivision and the current PD approvals in effect and the prior, now expired tentative plan approvals.

- Original Oak Ridge PD approval and Phase 4 didn't include any public open space. The new proposals for that portion of the site include a new private open space lot. The wetland tract and access configuration remain substantially as originally proposed.
- Original Oak Ridge Meadows PD didn't include any public open space. The new proposals for that portion of the site include a public greenway and trail system. The new proposals also include better internal street connectivity. The external street connectivity (current and future) remain as originally proposed.
- Together, the total area provides a better overall development plan than the current PD approvals in place and the previously approved (now expired) tentative plan approvals.

Commission Options for Planned Development Amendment Applications, PDA 3-18 and PDA 4-18. (Each to be voted on separately):

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.

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- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Commission Options for Tentative Subdivision Plan Application, S 3-18:

- 1) Close the public hearing and vote to **APPROVE** the application per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation:

Staff recommends approval of all three land-use applications with the conditions specified in the decision document. Recommended motions for each land-use application is provided below.

MOTION FOR PDA 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR PDA 4-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE PDA 4-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

MOTION FOR S 3-18:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVE S 3-18, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.

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